

# H. R. 5496

IN THE HOUSE OF REPRESENTATIVES

Mr. SEIBERLING (for himself, Mr. BENNETT, Mr. SEBELIUS, Mr. KASTENMEIER, Mr. BINGHAM, Mr. WON PAT, Mr. ECKHARDT, Mr. FLORIO, Mr. KOSTMAYER, Mr. CORRADA, Mr. MURPHY of Pennsylvania, Mr. RAHALL, Mr. VENTO, Mr. GUDGER, Mr. LONG of Maryland, Mr. MCDADE, Mr. RODINO, Mr. PEPPER, Mr. GEPHARDT, Mr. DELLUMS, Mr. PRITCHARD, Mr. MOAKLEY, Mr. WHITEHURST, Mr. RICHMOND, Mr. EDWARDS of Alabama, Mrs. FENWICK, Mr. MOTT, Mr. EDWARDS of California, Mr. MAZZOLI, Mr. WOLFF, Mr. DERWINSKI, Mr. OTTINGER, Mrs. BYRON, Mr. LUNDINE, Mr. SABO, Mr. BALDUS, Mr. STACK, Mr. WEISS, Mr. BARNES, and Mr. PEYSER) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

# A BILL

To amend the National Historic Preservation Act of 1966, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4       SECTION 1. This Act may be cited as the "National  
5 Historic Preservation Amendments of 1979".

3 SEC. 2. (a)(1) The Act of October 15, 1966 (16 U.S.C.  
4 470-470t) is amended by redesignating the first section  
5 thereof as section 2 and by inserting the following new sec-  
6 tion immediately before such section as so redesignated:

8 "SECTION 1. This Act may be cited as the 'National  
9 Historic Preservation Act'.".

**13 “FINDINGS AND DECLARATIONS”**

**17** **“POLICY**

247

1           “(1) to develop and use means and measures, in-  
2           cluding financial and technical assistance, for the pur-  
3           poses of fostering and promoting conditions under  
4           which our modern society and our heritage can exist in  
5           productive harmony and can fulfill the social, econom-  
6           ic, and other requirements of present and future gen-  
7           erations;

8           “(2) to provide leadership in the preservation and  
9           conservation of the historic, architectural, archeologi-  
10          cal, and cultural resources of the United States and of  
11          the international community of Nations;

12          “(3) to administer federally owned or controlled  
13          historic and cultural resources in a spirit of steward-  
14          ship and trusteeship for the benefit of present and  
15          future generations;

16          “(4) to administer the national historic preserva-  
17          tion program in partnership with the States and to  
18          insure that Federal policies, plans, programs, activities,  
19          and projects—

20               “(A) contribute to the preservation and con-  
21               servation of nonfederally owned historic and cul-  
22               tural resources,

23               “(B) are coordinated with State, community,  
24               and private activities to preserve and conserve  
25               historic and cultural resources, and

1           “(C) contribute to the preservation of signifi-  
2           cant historic and cultural resources of other Na-  
3           tions; and

4           “(5) to give priority to preservation activities  
5           which further national goals for the revitalization of  
6           urban areas, the conservation of agricultural areas, the  
7           creation of local employment opportunities, and the  
8           conservation of energy.”.

9           (c) Titles I and II of such Act are amended to read  
10 follows:

11   **“TITLE I—FEDERAL AND STATE PRESERVATION**  
12                                   **PROGRAMS**

13           **“Subtitle A—National Register of Historic Places**

14                   **“ESTABLISHMENT OF NATIONAL REGISTER**

15           **“SEC. 101. (a) The Administrator shall establish and**  
16 **maintain a National Register of Historic Places to be com-**  
17 **prised of districts, sites, buildings, structures, and objects de-**  
18 **termined to be significant in American history, architecture,**  
19 **archaeology, and culture, at the national, State, or local level**  
20 **in accordance with this subtitle. Such determination shall be**  
21 **made pursuant to the criteria established by the Administra-**  
22 **tor under section 104.**

23           **“(b) No property may be included in the National Regis-**  
24 **ter unless such property—**

7           “(3) is legally dedicated to preservation within the  
8       meaning of section 104(e).

11 "SEC. 102. (a) Not later than one year after the date on  
12 which the Administrator is initially appointed, he shall, in  
13 cooperation with the States, establish an Inventory of His-  
14 toric Resources on a State-by-State basis. The inventory for  
15 each State shall constitute a consolidated Statewide resource  
16 data base comprised of properties which may meet the crite-  
17 ria of significance established by the Administrator under sec-  
18 tion 104(a).

250

1       “(c) The Inventory of Historic Resources shall be made  
2 available to all Federal, State and local government depart-  
3 ments, agencies, and instrumentalities to facilitate their plan-  
4 ning and other activities. The Administrator shall promulgate  
5 regulations under which, notwithstanding any other authority  
6 of law, information concerning the location of any property  
7 on the Inventory shall not be available to the public where  
8 the disclosure to the public of such information would be  
9 likely to endanger the property.

10       “(d) For purposes of the provisions of the Internal Rev-  
11 enue Code of 1954 applicable to certified historic structures  
12 as defined in section 191(d)(1) of such Code, a property  
13 which is included in the inventory of historic resources and  
14 designated as an eligible property shall be treated as a certi-  
15 fied historic structure within the meaning of such section  
16 191(d)(1) unless, upon the application of the owner there-  
17 the Administrator finds, and certifies to the Secretary of the  
18 Treasury, that the treatment of such property as a certified  
19 historic structure for such purposes would not further the  
20 policies and purposes of this Act. No such certification may  
21 be revoked following final issuance thereof.

22       “(e) Properties which are included in the inventory of  
23 historic resources and designated as eligible properties shall  
24 be entitled to financial assistance in accordance with the pro-

1 visions of subtitle B, and shall be entitled to the protections  
2 set forth with respect to such properties under section 247.

3 "PROCEDURE FOR INCLUSION IN NATIONAL REGISTER OR  
4 INVENTORY

5 "SEC. 103. (a)(1) During the one-year period beginning  
6 on the date of the enactment of the National Historic Preser-  
7 vation Amendments of 1979, all properties included in the  
8 National Register under prior authority of law shall be  
9 deemed to be included in the National Register established  
10 under section 101. Within such one-year period, the Admin-  
11 istrator shall complete a review of all such properties (other  
12 than properties which were designated as 'National Historic  
13 Landmarks' under such prior authority of law) and determine  
14 which of such properties meet the requirements of subsection  
15 (b) of section 101. Each such property which is determined  
16 by the Administrator, within such one-year period, to meet  
17 the requirements of such subsection (b) and each property  
18 which was designated as a 'National Historic Landmark'  
19 under prior authority of law shall be included by the Admin-  
20 istrator in the National Register established under section  
21 101.

22 "(2) Beginning one year after the date of the enactment  
23 of the National Historic Preservation Amendments of 1979,  
24 all properties which were included in the National Register  
25 under prior authority of law and with respect to which no

1 determination under paragraph (1) has been made shall be  
2 included on the Inventory of Historic Resources and design-  
3 nated as 'eligible properties'.

4       “(b) Any State or local government which is carrying  
5 out a program approved under part 2 of subtitle B or any  
6 Federal agency may nominate a property which meets the  
7 requirements of section 101(a) and paragraph (2) or (3) of  
8 section 101(b) to the Administrator for inclusion in the Na-  
9 tional Register of Historic Places. Any such State or local  
10 government or any Federal agency may nominate a property  
11 meeting the requirements of section 101(a) to the Adminis-  
12 trator for inclusion in the National Register or for inclusion in  
13 the Inventory of Historic Resources as an eligible property  
14 (as may be appropriate). Any property nominated under this  
15 subsection shall be included, as may be appropriate, in such  
16 Register or Inventory on the date thirty days after receipt by  
17 the Administrator of the nomination unless the Administrator  
18 disapproves such nomination within such thirty-day period.

19       “(c) The Administrator may accept a nomination from  
20 any person for inclusion of a property in the National Regis-  
21 ter or in the Inventory of Historic Resources as an eligible  
22 property if such property is located in a State or political  
23 subdivision where there is no program approved under part 2  
24 of subtitle B. If the Administrator determines that such prop-  
25 erty meets the requirements of section 101(a) and (b), he



1 shall include the property in the National Register. If the  
 2 Administrator determines that such property meets the re-  
 3 quirements of section 101(a), but does not make a determina-  
 4 tion that such property meets the requirements of section  
 5 101(b), he shall include such property in the Inventory of  
 6 Historic Resources as an eligible property.

7 “(d) The Administrator shall include in the Inventory of  
 8 Historic Resources—

● (1) all properties included in lists or inventories of  
 10 resources established or maintained under prior author-  
 11 ity of law or under any other authority of law and all  
 12 properties recorded under any other authority of law  
 13 which properties may meet the criteria of significance  
 14 established under section 104(a), but which have not  
 15 been professionally evaluated in accordance with an  
 16 approved State program; and

● “(2) all properties which may meet the criteria of  
 17 significance established under section 104(a) and which  
 18 are proposed to him for inclusion in such Inventory by  
 19 any State or local government or by any other Federal  
 20 agency.  
 21

22 “(e) The Administrator may, at his discretion, on his  
 23 own motion or at the request of any person, include any  
 24 property on the Inventory of Historic Resources and desig-  
 25 nate such property as an eligible property if he determines

1 that such property meets the requirements of section 101(a),  
2 and he may include such property on the National Register if  
3 he determines that it meets the requirements of section  
4 101(a) and (b).

5 "CRITERIA FOR PROPERTIES TO BE INCLUDED ON  
6 REGISTER

7 "SEC. 104. (a) The Administrator shall, by rule, estab-  
8 lish criteria for properties to be considered of significance in  
9 American history, architecture, archaeology, or culture.

10 "(b) For the purposes of section 101(b)(1), a property  
11 shall be considered to be of national significance when—

12 "(1) the Congress so designates a property;

13 "(2) a property is included in the national park  
14 system as a historical unit; or

15 "(3) the Administrator determines that the prop-  
16 erty meets criteria of national significance to be estab-  
17 lished by him, by rule, under this paragraph.

18 "(c) For the purposes of section 101(b)(1) a property  
19 shall be considered to be of World Heritage significance  
20 when it is included in the World Heritage list maintained in  
21 accordance with the terms of the Convention Concerning the  
22 Protection of the World Cultural and Natural Heritage.

23 "(d) For purposes of section 101(b)(2)—

1           “(1) the expenditure of any funds by a govern-  
2           mental agency which directly or indirectly contributes  
3           substantially to the preservation of any property, or

4           “(2) the application of section 191 of the Internal  
5           Revenue Code of 1954 (or any provision of State or  
6           local law having similar purposes, as determined by  
7           the Administrator)

8 shall be treated as a public investment in such property.

9           “(e) For purposes of section 101(b)(3), a property shall  
10 be treated as legally dedicated to preservation when—

11           “(1) an easement, or other property interest, re-  
12           quiring preservation of the significant features of the  
13           property for not less than thirty years is held by any  
14           person (including any governmental entity) or is other-  
15           wise legally binding on the owner of such property,

16           “(2) such property is in public ownership and  
17           managed for preservation, or

18           “(3) any State or local law or ordinance provides  
19           for the designation or preservation of such property.

20           “(f)(1) The Administrator shall promulgate interim regu-  
21           lations to carry out this section not more than thirty days  
22           after the date on which the Administrator is initially  
23           appointed and final regulations for such purposes not more  
24           than one year after such date,

1       “(2) The Administrator shall undertake an examination  
 2 of the criteria promulgated under section 101(a)(1) of prior  
 3 authority of law to determine whether or not such criteria  
 4 should apply for purposes of subsection (a) or subsection  
 5 (b)(3) of this section. If the Administrator determines that  
 6 such criteria should apply for such purposes or that such cri-  
 7 teria require revision for such purposes, he shall promulgate  
 8 such criteria (including such revisions) under this section.

9               “Subtitle B—Financial Assistance

10              “PART 1—GENERAL AUTHORITIES

11              “FINANCIAL ASSISTANCE AUTHORITIES

12       “SEC. 111. The Administrator shall establish and ad-  
 13 minister in accordance with this title—

14              “(1) a program of matching grants-in-aid to States  
 15 for preservation programs that have been approved by  
 16 the Administrator in accordance with part 2 of this  
 17 subtitle;

18              “(2) a program under which grants-in-aid are  
 19 made by the Administrator to the National Trust for  
 20 Historic Preservation—

21              “(A) to assist in the acquisition, preservation,  
 22 rehabilitation, and maintenance of properties  
 23 owned by the Trust;

24              “(B) to carry out an emergency acquisition  
 25 program in accordance with section 3 of the Na-

1           tional Historic Preservation Amendments of 1979  
2           for eligible properties on the Inventory of Historic  
3           Resources or for properties included in the Na-  
4           tional Register which are threatened with immi-  
5           nent damage or destruction; and

6           “(C) on a 50 per centum matching basis to  
7           facilitate public participation in historic preserva-  
8           tion in the United States; and

9           “(3) a program to make direct grants, loans, or  
10          both under part 3 of this subtitle and a loan guarantee  
11          program under such part 3.

12                   “PART 2—STATE PROGRAMS

13                   “GRANTS FOR APPROVED STATE PROGRAMS

14          “SEC. 112. (a) Upon the application of any State, the  
15          Administrator is authorized to make grants to States to carry  
16          out State programs which have been approved under this  
17          section. No grant made under this section may be used to pay  
18          more than 50 per centum of the costs of carrying out any  
19          such State program. The remaining 50 per centum shall be  
20          contributed by non-Federal sources. Of such remaining 50  
21          per centum, not more than 25 per centum may be contributed  
22          in the form of property or services, or any combination  
23          thereof.

24          “(b) Any State may submit to the Administrator a pro-  
25          gram which provides appropriate governmental mechanisms

1 for the identification, evaluation, protection, and preservation  
2 of districts, sites, buildings, structures, and objects within the  
3 State which are significant in American history, architecture,  
4 archaeology, and culture. Such a State program shall be ap-  
5 proved by the Administrator unless he determines that the  
6 program does not meet the requirements of section 113 and  
7 the other requirements of this part or that the State is not  
8 properly implementing such program. Any such program  
9 which has been disapproved by the Administrator may be  
10 approved by him upon his subsequent determination that the  
11 program has been revised to meet the requirements of this  
12 Act.

13       “(c)(1) Not less than every four years after the approval  
14 of any such State program, the Administrator shall evaluate  
15 such program to make a determination as to whether or not  
16 it is in compliance with the requirements of this Act.

17       “(2) The Administrator shall conduct periodic fiscal  
18 audits of State programs approved under this part. Such  
19 audits shall include an evaluation of the recipient’s (A) ac-  
20 counting and control systems, and (B) stewardship of all  
21 grants received under this part. Audits carried out pursuant  
22 to this subsection shall be audits of the recipient, and shall  
23 not be audits of individual grants or programs.

24       “(3) State and local governments may assume the re-  
25 sponsibility for financial and compliance audits of State and

1 local governments and other persons or organizations receiv-  
2 ing Federal grants under this part and their subgrantees. The  
3 audits shall be made by independent auditors in accordance  
4 with generally accepted auditing standards and shall include  
5 an opinion as to the extent to which the accounting policies  
6 and systems follow generally accepted accounting principles  
7 and standards.

8       “(4) The Federal Government shall be responsible for  
9 audits which deal with economy, efficiency, and program re-  
10 sults, and for assuring that financial and compliance audits  
11 conducted by State and local government auditors or inde-  
12 pendent auditors meet generally accepted auditing standards.  
13 Nothing in this section shall preclude the Federal Govern-  
14 ment from contracting with independent auditors to perform  
15 economy, efficiency, or program results audits; except that  
16 the Federal Government shall be responsible for assuring  
17 that such audits meet generally accepted auditing standards.

18       “(5) State and local governments receiving a grant shall  
19 set forth in writing the criteria by which they judge whether  
20 they are meeting program requirements. Such criteria shall  
21 be based on the legislation (including committee reports,  
22 hearings, and debates), and the implementing regulations of  
23 the Administrator and shall be available for use by those au-  
24 diting the recipient.

1       “(6) The Administrator shall reimburse State and local  
2 governments for actual expenses incurred in conducting  
3 audits on behalf of the Federal Government.

4       “REQUIREMENTS FOR APPROVAL OF STATE PROGRAMS

5       “SEC. 113. (a) A State program submitted to the Ad-  
6 ministrator under section 112 shall be approved by the Ad-  
7 ministrator if he determines that the program—

8               “(1) provides for the designation by the Governor  
9 of a ‘State historic preservation officer’ to administer  
10 such program and for the appointment by such officer  
11 of such professionally qualified staff as may be neces-  
12 sary for such purposes;

13               “(2) provides for the transfer, in accordance with  
14 section 114, of not less than 50 per centum of the  
15 grants received by the State under this part to political  
16 subdivisions of the State certified by the State historic  
17 preservation officer as having preservation programs  
18 that will carry out the purposes of this Act within such  
19 political subdivisions;

20               “(3) provides a variety of financial mechanisms  
21 (which may include grants, loans, loan guarantees, re-  
22 volving fund accounts, interest and rent subsidies, and  
23 tax incentives) to assist private and governmental enti-  
24 ties in the preservation and development of properties  
25 which are on the National Register or which are in the



1       Inventory of Historic Resources and designated as eli-  
2       gible properties, or any properties used in connection  
3       therewith, in order to assure their protection for the  
4       public benefit;

5           “(4) provides mechanisms for the acquisition, ac-  
6       ceptance of donations, and dedication of fee title (or  
7       less than fee interest) in any property referred to in  
8       paragraph (3);

9           “(5) provides such additional assistance as may be  
10      necessary to enable persons or businesses within any  
11      historic districts affected by the program to remain  
12      within the historic district;

13          “(6) gives a priority in carrying out projects to  
14      those which will conserve energy, are labor intensive,  
15      or will further urban revitalization or agricultural con-  
16      servation;

17          “(7) provides a professionally acceptable mecha-  
18      nism for the identification and evaluation of historic  
19      properties within the State and for the protection of  
20      such properties; and

21          “(8) otherwise carries out the purposes of this Act  
22      in such State.

23          “(b) No State program may be approved under this part,  
24      and no program of a political subdivision may be certified  
25      under this part, unless such program provides that—

1           “(1) grants made under the program for the phys-  
2           ical repair or improvement of any property may be  
3           made—

4           “(A) only for properties which are included  
5           on the National Register or in the Inventory of  
6           Historic Resources and designated as eligible  
7           properties; and

8           “(B) only if the grantee has agreed to  
9           assume, after completion of the project, the basic  
10          cost of the continued maintenance, repair, and ad-  
11          ministration of the property; and

12          “(2) no grant made in any one fiscal year for the  
13          preservation of any single property or of any single  
14          building or structure within a historic district may  
15          exceed \$50,000.

16          “(c) No State program may be approved under this pr  
17          unless such program provides that not more than 15 per  
18          centum of any grant made to the State under this part to  
19          carry out such program in any one year may be used for  
20          improvement of government buildings used for governmental  
21          purposes.

1           “TRANSFER OF FUNDS TO STATE AND LOCAL  
2                               GOVERNMENTS

3       “SEC. 114. (a) Of the funds required to be transferred  
4 by a State to political subdivisions under paragraph (2) of  
5 section 113(a)—

6           “(1) 30 per centum shall be allocated equally  
7       among all political subdivisions of the State which have  
8       programs certified by the State (hereinafter in this Act  
9       referred to as ‘certified political subdivisions’) to be  
10      adequate to carry out the purposes of this Act in such  
11      political subdivisions,

12           “(2) 40 per centum shall be allocated among the  
13       certified political subdivisions within such State on the  
14       basis of population, and

15           “(3) 30 per centum shall be allocated among such  
16           certified political subdivisions on the basis of need as  
17           determined by the State historic preservation officer.

18       “(b) In the case of any State in which not more than  
19 five political subdivisions are certified political subdivisions  
20 under paragraph (1) of subsection (a), the requirements of  
21 section 113(a)(2) and subsection (a) of this section shall not  
22 apply, and the State shall submit a recommended allocation  
23 to the Administrator for his approval. Unless the Administra-  
24 tor determines that one or more of the political subdivisions  
25 to which such funds are allocated will receive a dispropor-

1 tionate share of the funds available to the State, the Adminis-  
2 trator shall approve such allocation.

3 "PROGRAMS OF POLITICAL SUBDIVISIONS

4 "SEC. 115. In the case of any State which does not  
5 have a State program approved under this part within two  
6 years after the date of the enactment of the National Historic  
7 Preservation Amendments of 1979, one or more political  
8 subdivisions in such State may apply to the Administrator for  
9 certification of a preservation program to be carried out  
10 under this part in such political subdivisions. Upon such an  
11 application, the Administrator may certify one or more of  
12 such programs if he determines that the program or programs  
13 will carry out this subtitle in the political subdivision or sub-  
14 divisions concerned in accordance with the purposes of this  
15 Act. Following such certification, the Administrator may al-  
16 locate such amounts as would otherwise be available to such  
17 State for a State program under this part in accordance with  
18 section 114 (a) and (b) to the certified political subdivision or  
19 subdivisions in such State. The Administrator shall insure  
20 that no allocation under this section will result in any politi-  
21 cal subdivision receiving a disproportionate share of the funds  
22 available; and for such purposes he may limit the allocation  
23 to any single political subdivision and reallocate any remain-  
24 ing funds among the States on the basis of need.

1                   “PROGRAMS UNDER PRIOR LAW

2           “SEC. 116. Any State historic preservation program in  
3 effect under prior authority of law, shall be treated as an  
4 approved State program for purposes of this subtitle until the  
5 earlier of—

6           “(1) the date on which the Administrator ap-  
7 proves a program submitted by the State under this  
8 subtitle, or

9           “(2) two years after the date of the enactment of  
10 the National Historic Preservation Amendments of  
11 1979.

12                   “PART 3—FEDERAL ASSISTANCE

13                   “CONDITIONS FOR GRANTS AND LOANS

14           “SEC. 121. (a) Grants, loans, or both may be made by  
15 the Administrator for the full cost (or any part of the cost) of  
16 preservation of properties of national or world heritage sig-  
17 nificance, for demonstration projects to preserve any eligible  
18 property or property on the National Register, and for the  
19 training and development of skilled labor in trades and crafts  
20 and in curation relating to historic preservation. Grants or  
21 loans or both may also be made under this section to Indian  
22 tribes for the preservation of historic properties. No grant  
23 may be made under this section unless the Administrator de-  
24 termines that the project could not be carried out in as effec-

1 tive a manner through the use of a direct or guaranteed loan  
2 under this part or through a State program under part 2.

3       “(b)(1) Any loan made by the Administrator under this  
4 section shall be at an interest rate determined by the Secre-  
5 tary of the Treasury taking into consideration the current  
6 average market yield on outstanding marketable obligations  
7 of the United States with periods of maturity comparable to  
8 the average maturities of such loans, adjusted to the nearest  
9 one-eighth of 1 per centum, plus additional charge, if any  
10 toward covering other costs of the program as the Adminis-  
11 trator may determine to be consistent with its purpose. The  
12 Administrator is authorized to provide an interest subsidy for  
13 any such loan by reducing the interest rate established with  
14 respect to such loan, except that in no event shall such re-  
15 duction of interest reduce the effective rate of interest pay-  
16 able more than 7 percentage points. In no event shall the  
17 rate payable be reduced to a rate lower than 3 per centum  
18 per year.

19       “(2) No loan under this part may exceed 90 per centum  
20 of the aggregate cost to the applicant, excluding all other  
21 Federal aid, of the project concerned.

22       “(c) Loan assistance under this section shall be on the  
23 condition that not less than 10 per centum of the aggregate  
24 cost of the project concerned is to be supplied as equity capi-  
25 tal, as no-cash contribution to the project acceptable to the

1 Administrator, or as a loan repayable in no shorter period of  
2 time and at no faster an amortization rate than the loan ex-  
3 tended under this section is being repaid and if such a loan is  
4 secured, its security shall be subordinated to the lien or liens  
5 securing the loan extended under this section.

6 “(d) During any time that any loan made under this  
7 section is outstanding, the Administrator is authorized, under  
8 regulations prescribed by him, to take any and all actions  
9 determined to be necessary or desirable in dealing with, or  
10 realizing on, loans.

11 “(e) A direct loan from the Administrator may be made  
12 under this part only if he determines the project could not be  
13 carried out in as effective a manner by a guaranteed loan  
14 under this part.

15 “(f) Upon application of the obligor and upon a finding  
16 of need for short-term financial support for the project, the  
17 Administrator may postpone for a specified period the due  
18 date of any payment of principal and interest on a loan made  
19 under this section if he determines that such a postponement  
20 will carry out the purposes of this part and will not  
21 jeopardize the interests of the United States.

22 “LOAN GUARANTEES

23 “SEC. 122. (a) Upon the application of a private lender,  
24 the Administrator is authorized to guarantee the payment of  
25 the principal amount of, and interest on, loans (including

1 mortgage loans) made by such private lender to finance any  
2 project for the preservation of a property which is on the  
3 National Register or in the Inventory of Historic Resources  
4 and designated as an eligible property. Such guarantee may  
5 be for not more than 90 per centum of such loan, including  
6 principal and interest, and no such guarantee shall at any  
7 time exceed the 90 per centum of the amount of the out-  
8 standing unpaid balance of such loan including reasonable  
9 costs as determined by the Administrator.

10       “(b) The Administrator shall not guarantee any loan  
11 under this section if—

12               “(1) the rate of interest on either the portion to  
13 be guaranteed or the portion not to be guaranteed is  
14 determined by the Administrator to be excessive; or

15               “(2) the loan is payable to any governmental  
16 entity.

17       “(c) Guarantees under this section shall only be made  
18 for projects which have been approved by the State historic  
19 preservation officer designated pursuant to section 113(a)(1),  
20 or, in the case of a State which does not have a program  
21 approved under part 2, by the chief elected official (or such  
22 official’s designee) of the political subdivision in which the  
23 project will be located. The Administrator may waive the  
24 requirement for such approval in appropriate instances.



1       “(d) The full faith and credit of the United States is  
2 pledged to the payment of all guarantees made under this  
3 section with respect to both principal and interest, including  
4 interest as provided for in the guarantee accruing between  
5 the date of default under a guaranteed obligation and the  
6 payment in full of the guarantee.

7       “(e) The Administrator may assess appropriate and rea-  
8 sonable fees and charges to guarantee loans.

9       “(f) The Administrator shall set, by rule, dollar limita-  
10 tions on the aggregate amount of loans to be guaranteed  
11 under this subtitle, but in no event shall such aggregate  
12 amount exceed five times the amount authorized but unap-  
13 propriated for the National Historic Preservation Fund.

14       “CONDITIONS FOR LOANS AND LOAN GUARANTEES

15       “SEC. 123. (a) No loans shall be made or guaranteed  
16 under this part unless the Administrator determines through  
17 an appropriate method that there is reasonable assurance of  
18 repayment.

19       “(b) The Administrator shall consult with the Secretary  
20 of the Treasury regarding the interest rate, timing, and other  
21 terms and conditions of loans and guaranteed obligations  
22 under this title. The Secretary of the Treasury may waive  
23 the requirement contained in the preceding sentence with re-  
24 spect to any loan or guaranteed obligation when he deter-  
25 mines that such obligation does not have a significant impact

1 on the market for Government and Government-guaranteed  
2 securities.

3       “(c) The Secretary of the Treasury is authorized to pur-  
4 chase loans and loan guarantees made under this title  
5 through the Federal Financing Bank. This authority may be  
6 exercised only if the Administrator determines that an ade-  
7 quate secondary market for such obligations is not available  
8 in the private sector.

9       “(d) No loan or guarantee, including renewals or exten-  
10 sions thereof, may be made under this part for a period ex-  
11 ceeding the lesser of forty years or the expected life of the  
12 asset financed. The foregoing restrictions on maturities shall  
13 not apply to securities or obligations received by the Admin-  
14 istrator as a claimant in bankruptcy or equitable reorganiza-  
15 tion or as a creditor in other proceedings attendant upon in-  
16 solvency of the obligor.

17       “(e) Any guarantee or interest subsidy agreement shall  
18 be conclusive evidence of the eligibility of the obligation for  
19 such guarantee or interest subsidy, and the validity of any  
20 guarantee or interest subsidy agreement shall be  
21 incontestable.

22       “(f) To the extent the Administrator finds such action  
23 necessary to encourage financial participation in a particular  
24 project by other lenders and investors, and except as other-  
25 wise provided in section 121, any Federal financial assistance

1 extended under this title may be made repayable after other  
2 loans made in connection with such project have been repaid  
3 in full, and the security, if any, for such Federal financial  
4 assistance may be subordinate and inferior to the lien or liens  
5 securing other loans made in connection with the same  
6 project.

7       “(g) For any loan made or obligation guaranteed under  
8 the authority of this part, the Administrator is authorized to  
9 enter into arrangements for the servicing, including foreclo-  
10 sure, of such loans or evidences of indebtedness on reason-  
11 able terms that protect the financial interests of the United  
12 States.

13       “(h) The Administrator is authorized to pay the princi-  
14 pal and interest on loans guaranteed under the authority of  
15 section 122, and there is hereby authorized to be appropri-  
16 ated such amounts as may be necessary for the repayment of  
17 principal and interest on loans in default and guaranteed pur-  
18 suant to section 122, to remain available until expended.

19       “(i) Notwithstanding any other provision of law, any  
20 loan or guaranteed obligation under this part shall be treated  
21 as non-Federal funds for the purposes of satisfying any re-  
22 quirement of any other provision of law under which Federal  
23 funds to be used for any project or activity are conditioned  
24 upon the use of non-Federal funds by the recipient for pay-  
25 ment of any portion of the costs of such project or activity.

1           “PRIVILEGED OR CONFIDENTIAL INFORMATION

2           “SEC. 124. To the extent the Administrator deems it  
3 appropriate and consistent with the principles of section  
4 552(b)(4) and section 552(c)(4) of title 5, United States Code,  
5 that portion of any record, material, or data received by the  
6 Administrator in connection with any application for financial  
7 assistance under this part which contains trade secrets or  
8 commercial or financial information regarding the operation  
9 or competitive position of any business shall be deemed to be  
10 ‘privileged or confidential’ within the meaning of those  
11 sections.

12           “TITLE II—FEDERAL AUTHORITIES AND  
13                               RESPONSIBILITIES

14           “Subtitle A—National Historic Preservation Agency

15                               “ESTABLISHMENT OF AGENCY

16           “SEC. 201. There is hereby established as an independent  
17 ent agency of the United States a Historic Preservation  
18 Agency to be under the direction of an Administrator for His-  
19 toric Preservation. The Administrator shall be appointed by  
20 the President, by and with the advice and consent of the  
21 Senate, and shall be compensated at the rate provided for  
22 level III of the Executive Schedule under section 5315 of  
23 title 5 of the United States Code.

1       “ADVISORY COUNCIL ON HISTORIC PRESERVATION

2       “SEC. 202. (a) The President shall establish an Advis-  
 3       ory Council on Historic Preservation (hereinafter referred to  
 4       in this Act as the ‘Council’) to advise the Administrator re-  
 5       specting his responsibilities under this Act, to review the ap-  
 6       plication of section 247 and assist the Administrator in apply-  
 7       ing the provisions of such section under regulations estab-  
 8       lished by the Administrator, and to advise the President and  
 9       the Congress on historic preservation matters. The Council  
 10       shall, at the request of the Administrator or on its own  
 11       motion, conduct hearings and make determinations and rec-  
 12       ommendations in the public interest with respect to the appli-  
 13       cation of section 247.

14       “(b) The Council shall be composed of the following  
 15       members:

16               “(1) the Secretary of the Interior, the Architect of  
 17       the Capitol;

18               “(2) the heads of four agencies of the United  
 19       States (other than the Department of the Interior) the  
 20       activities of which affect historic preservation,  
 21       appointed by the President;

22               “(3) a representative of the National Conference  
 23       of State Historic Preservation Officers, a representa-  
 24       tive of the National Trust for Historic Preservation,  
 25       and four professionals in the fields of history, architec-

1       ture, archeology, urban planning, or related disciplines,  
2       appointed by the President from among recommenda-  
3       tions of organizations representing such professions and  
4       from among recommendations made by national his-  
5       toric preservation organizations;

6           “(4) three State Governors or mayors, appointed  
7       by the President; and

8           “(5) three at large members of the general public,  
9       appointed by the President.

10       “(c) Each member of the Council appointed under para-  
11      graph (1) or (2) of subsection (b) may designate another offi-  
12      cer of his agency to serve on the Council in his stead, except  
13      that no such officer who is below the rank of an Assistant  
14      Secretary may be so designated.

15       “(d) Each member of the Council appointed under para-  
16      graph (3), (4), or (5) of subsection (b) shall serve for a term of  
17      four years from the expiration of his predecessor's term,  
18      except that a member first appointed under any such para-  
19      graph shall be appointed not later than one hundred-eighty  
20      days after the date of the enactment of the National Historic  
21      Preservation Amendments of 1979 and shall serve for a term  
22      of from two to four years, as designated by the President at  
23      the time of his appointment, in such manner that terms of not  
24      more than four of such members will expire in any one year.

1       “(e) A vacancy in the Council shall not affect its powers  
2 but shall be filled, not later than 30 days after such vacancy  
3 commences, in the same manner as the original appointment  
4 and for the balance of the unexpired term, if any.

5       “(f) The Chairman and Vice Chairman of the Council  
6 shall be elected from among the members of the Council ap-  
7 pointed under paragraph (3), (4), or (5) of subsection (b), and  
8 shall serve for terms of two years.

9       “(g) Ten members of the Council shall constitute a  
10 quorum.

11       “(h) The members of the Council specified in paragraph  
12 (1) or (2) of subsection (b) shall serve without additional com-  
13 pensation. The other members of the Council shall receive  
14 \$100 per diem when engaged in the performance of the  
15 duties of the Council. While away from their homes or regu-  
16 lar places of business in the performance of services for the  
17 Council all members of the Council shall be allowed travel  
18 expenses, including per diem in lieu of subsistence, in the  
19 same manner as persons employed intermittently in Govern-  
20 ment service are allowed expenses under section 5703 of title  
21 5 of the United States Code.

22       “(i) The Council shall meet not less than twice a year.

23       “(j) Each member of the Council specified in paragraph  
24 (1) or (2) of subsection (b) shall provide to the Council (with  
25 or without reimbursement as may be agreed upon by the

1 Chairman and such member) such funds, personnel, facilities,  
 2 moneys, and services under their jurisdiction and control as  
 3 may be needed by the Council to carry out its duties, to the  
 4 extent that such funds, personnel, facilities, and services are  
 5 requested by the Council and are otherwise available for that  
 6 purpose. To the extent of available appropriations, the Coun-  
 7 cil may obtain, by purchase, rental, donation, or otherwise,  
 8 such additional property, facilities, moneys, and services as  
 9 may be needed to carry out its duties.

10 “(k) The Council may accept donations and bequests of  
 11 money and real and personal property and shall hold, use,  
 12 expend, and administer such money and property in carrying  
 13 out its functions.

14 “(l) The Advisory Council on Historic Preservation es-  
 15 tablished under prior authority of law shall continue in exist-  
 16 ence and shall be authorized to carry out its functions under  
 17 such prior authority of law until the earlier of—

18 “(1) the date one hundred and eighty days after  
 19 the date of the enactment of the Historic Preservation  
 20 Amendments of 1979, or

21 “(2) the date on which the Administrator of His-  
 22 toric Preservation is appointed.

23 Beginning on the date on which the Administrator for Histor-  
 24 ic Preservation is appointed pursuant to this Act, all refer-  
 25 ences in provisions of law enacted before the date of the en-



1 actment of the Historic Preservation Amendments of 1979 to  
2 the Advisory Council on Historic Preservation shall be treat-  
3 ed as references to such Administrator.

4 "LEGISLATIVE BYPASS

5 "SEC. 203. Whenever the Council transmits any legis-  
6 lative recommendations, or testimony, or comments on legis-  
7 lation to the President or the Office of Management and  
8 Budget, it shall concurrently transmit copies thereof to the  
9 Committee on Interior and Insular Affairs of the United  
10 States House of Representatives and the Committee on  
11 Energy and Natural Resources of the United States Senate.  
12 No officer or agency of the United States shall have any  
13 authority to require the Council to submit its legislative rec-  
14 ommendations, or testimony, or comments on legislation to  
15 any officer or agency of the United States for approval, com-  
16 ments, or review, prior to the submission of such recommen-  
17 dations, testimony, or comments to the Congress. In in-  
18 stances in which the Council voluntarily seeks to obtain the  
19 comments or review of any officer or agency of the United  
20 States, the Council shall include a description of such actions  
21 in its legislative recommendations, testimony, or comments  
22 on legislation which it transmits to the Congress.

23 "DUTIES OF ADMINISTRATOR

24 "SEC. 204. (a) The Administrator shall—

1           “(1) advise the President and the Congress on  
2 matters relating to historic preservation; coordinate ac-  
3 tivities of Federal, State, and local agencies and pri-  
4 vate institutions and individuals relating to historic  
5 preservation; and disseminate information pertaining to  
6 such activities;

7           “(2) encourage, in cooperation with the National  
8 Trust for Historic Preservation and appropriate private  
9 agencies, public interest and participation in historic  
10 preservation;

11           “(3) conduct studies in such areas as the ade-  
12 quacy of legislative and administrative statutes and  
13 regulations pertaining to historic preservation activities  
14 of States and local governments and the effects of tax  
15 policies at all levels of government on historic preser-  
16 vation;

17           “(4) assist State and local governments in drafting  
18 legislation relating to historic preservation;

19           “(5) provide, in cooperation with appropriate  
20 public and private agencies and institutions, training  
21 and education in the field of historic preservation; and

22           “(6) maintain the historic register, surveys, and  
23 records of the agency.

24           “(b) The Administrator shall submit annually a compre-  
25 hensive report of his activities and the results of his studies to

1 the President and the Congress and shall from time to time  
2 submit such additional and special reports as he deems advis-  
3 able. Each such annual report shall propose such legislative  
4 enactments and other actions as, in the judgment of the Ad-  
5 ministrator, are necessary and appropriate to carry out his  
6 recommendations, and shall provide the Administrator's as-  
7 sessment of current and emerging problems in the field of  
8 historic preservation and an evaluation of the effectiveness of  
9 the programs of Federal agencies, State and local govern-  
10 ments, and the private sector in carrying out the purposes of  
11 this Act.

12 "EMPLOYEES OF ADMINISTRATOR

13 "SEC. 205. (a) The Administrator shall have a General  
14 Counsel who shall be appointed by him. The General Coun-  
15 sel shall report directly to the Administrator and shall serve  
16 as legal advisor to the Administrator and to the Council. The  
17 Administrator shall appoint such other attorneys as may be  
18 necessary to assist the General Counsel, represent the Ad-  
19 ministrator or the Council in courts of law whenever appro-  
20 priate, assist the Department of Justice in handling litigation  
21 concerning the Administrator or the Council in courts of law,  
22 and perform such other legal duties and functions as the Ad-  
23 ministrator may direct.

1       “(b) The Administrator shall have power to appoint and  
2 fix the compensation of such personnel as may be necessary  
3 to carry out his duties.

4       “(c) The Administrator is authorized to procure expert  
5 and consultant services in accordance with the provisions of  
6 section 3109 of title 5, United States Code.

7                               “AGENCY DATA

8       “SEC. 206. The Administrator is authorized to secure  
9 directly from any department, bureau, agency, board, com  
10 mission, office, independent establishment or instrumentality  
11 of the executive branch of the Federal Government informa-  
12 tion, suggestions, estimates, and statistics for the purpose of  
13 this title; and each such department, bureau, agency, board,  
14 commission, office, independent establishment or instrumen-  
15 tality is authorized to furnish such information, suggestions,  
16 estimates, and statistics to the extent permitted by law and  
17 within available funds.

18                               “DONATIONS AND BEQUESTS

19       “SEC. 207. The Administrator may accept donations  
20 and bequests of money and real and personal property and  
21 shall hold, use, expend, and administer such money and prop-  
22 erty for purposes of carrying out his functions under this Act.

23                               “RULES AND REGULATIONS

24       “SEC. 208. The Administrator is authorized to establish  
25 such criteria, guidelines, and standards as are necessary to be

1 applied by Federal agencies, States, their political subdivi-  
2 sions, and other entities in the implementation of this Act,  
3 and to establish such rules and regulations as are necessary  
4 to carry out the purposes and provisions of this Act.

5 "Subtitle B—Education and Training

6 "EDUCATION AND TRAINING

7 "SEC. 211. (a) The Administrator shall—

8 "(1) develop and make available to Federal agen-  
9 cies, State and local governments, private organiza-  
10 tions and individuals, and other nations and interna-  
11 tional organizations pursuant to the World Heritage  
12 Convention, training in, and information concerning,  
13 administrative, legal, and professional methods and  
14 techniques for the preservation, rehabilitation, restora-  
15 tion, and maintenance of historic properties;

16 "(2) advise on and provide or arrange for techni-  
17 cal assistance to, Federal departments and agencies,  
18 State and local governments, private organizations and  
19 individuals, and other nations and international organi-  
20 zations in furtherance of the World Heritage Conven-  
21 tion, in the identification, evaluation, preservation (in-  
22 cluding maintenance, rehabilitation, adaptive use, and  
23 restoration), and protection of historic properties; and

24 "(3) in cooperation with the Secretary of the Inte-  
25 rior and other appropriate organizations, establish a

1 comprehensive education and training program for Fed-  
 2 eral, State, and local officials who are involved in his-  
 3 toric preservation that is designed to further the educa-  
 4 tion and training of such officials with respect to the  
 5 administration of programs for historic preservation.

6 “(b) The Administrator, in cooperation with the Na-  
 7 tional Trust for Historic Preservation and other appropriate  
 8 organizations, shall undertake a continuing program to in-  
 9 crease the awareness of historic resources and their preserva-  
 10 tion among the student population of the United States and  
 11 shall develop mechanisms designed to give the general public  
 12 a greater knowledge of historic resources which are part of  
 13 the cultural heritage of the United States.

14 “(c) The Administrator, in cooperation with the Build-  
 15 ing Arts Foundation established under subtitle C of title III  
 16 and the Secretary of Labor, shall establish a program for the  
 17 training and development of skilled labor in trades and crafts  
 18 relating to historic preservation.

19 “Subtitle C-Coordination of Federal Activities

20 “REVIEW OF FEDERAL POLICIES

21 “SEC. 221. The Administrator shall review the policies  
 22 and programs of Federal agencies which are required to be  
 23 submitted to the Administrator under section 250 and recom-  
 24 mend to such agencies methods for improving the effective  
 25 coordination and consistency of such policies and programs

1 with the purposes of this Act and the Federal and State pro-  
2 grams carried out under this Act.

3 "GUIDELINES FOR ARCHEOLOGY

4 "SEC. 222. (a) Within ninety days after the date of the  
5 appointment of the Administrator, the Administrator shall  
6 promulgate guidelines for—

7 "(1) the identification of historic properties re-  
8 quired under section 247;

9 "(2) archeological and historical data recovery  
10 that is to be carried out pursuant to a mitigation plan  
11 developed after satisfaction of a Federal agency's re-  
12 sponsibilities under section 247 and under the authority  
13 of the Archeological Recovery Act of 1960 (16 U.S.C.  
14 469-469c); and

15 "(3) the treatment of archeological and historical  
16 data recovered pursuant to a mitigation plan funded or  
17 sanctioned by a Federal agency.

18 "(b)(1) The guidelines under subsection (a)(1) shall—

19 "(A) take into account the magnitude of proposed  
20 undertakings and any potential adverse effects on his-  
21 toric properties,

22 "(B) provide a reasonable survey standard in rela-  
23 tion to the potential magnitude of the adverse effect,  
24 and

1           “(C) take into account planning stages of cate-  
2           ries of undertakings.

3   The guidelines may provide standards permitting agencies to  
4   fulfill their survey and identification responsibilities by having  
5   applicants for Federal assistance or licenses undertake the  
6   actual identification work.

7           “(2) The guidelines under subsection (a)(2) shall estab-  
8   lish mechanisms to foster mitigation that is cost-effective and  
9   will result in the recovery of information that will further  
10   knowledge of history or prehistory.

11          “(3) The guidelines under subsection (a)(3) shall apply  
12   to all Federal and federally assisted mitigation activities and  
13   shall provide standards for—

14           “(A) the curation (including the storage, place-  
15   ment, and loan), and

16           “(B) the donation or other disposal by the Federal  
17   Government of artifacts recovered pursuant to such ac-  
18   tivities.

19   Any proceeds accruing to the United States from any such  
20   disposal shall be deposited in the United States Treasury in  
21   the Administrator’s account under Public Law 93-291 and  
22   shall be available for expenditure in accordance with that Act  
23   without further appropriation or fiscal year limitation.

24          “(c) Within ninety days after the Administrator estab-  
25   lishes the guidelines required under subsection (a), each Fed-



1 eral agency shall submit to the Administrator proposed regu-  
2 lations, standards, or procedures, as appropriate, to establish  
3 the requirements that will govern the agency's program ac-  
4 tivities under the Administrator's guidelines. Within thirty  
5 days following such submission, the Administrator shall ap-  
6 prove, in whole or in part, agency submissions that he deter-  
7 mines meet the requirements of his guidelines. The Adminis-  
8 trator may issue interim standards to be followed by any  
● agency that does not promulgate approved regulations, pro-  
10 cedures or standards for its program activities within one  
11 hundred-twenty days after the initial submission to the Ad-  
12 ministrator.

13       “(d)(1) With respect to the agency regulations, proce-  
14 dures or standards promulgated pursuant to subsection (a)(2),  
15 each agency shall provide a process for the Administrator to  
16 review and approve all data recovery plans which involve the  
● expenditure of more than \$10,000. No mitigation plan which  
17 involves the expenditure of more than \$10,000 may be un-  
18 dertaken by any agency without the approval of the Adminis-  
19 trator.  
20 trator.

21       “(2) The Administrator shall review agency submissions  
22 under this subsection within thirty days. The Administrator  
23 may establish panels of experts to assist in the evaluation of  
24 mitigation proposals. The Administrator may establish a limit  
25 on the amount of Federal funds that may be spent on archeo-

1 logical data recovery for any single project to which this sub-  
2 section applies.

3 "FEDERAL LAND MANAGEMENT STANDARDS

4 "SEC. 223. Within one year after the date on which the  
5 Administrator is initially appointed, he shall establish, jointly  
6 with the Secretaries of the Interior, Agriculture, and De-  
7 fense, and the Administrator of the General Services Admin-  
8 istration, standards for the management and preservation of  
9 federally owned historic properties. Following final prom-  
10 gation of such standards, all agencies shall comply with such  
11 standards with respect to all such properties which are in-  
12 cluded in the National Register.

13 "TRANSFEREES OF FEDERAL PROPERTY

14 "SEC. 224. The Administrator shall review and approve  
15 the plans of transferees of surplus federally owned properties  
16 which are eligible properties of properties on the National  
17 Register to ensure that the historical, architectural, archeo-  
18 logical, or cultural significance will be preserved in the reha-  
19 bilitation, restoration, improvement, adaptive use, mainte-  
20 nance, and repair of such properties.

21 "COORDINATION WITH OTHER FEDERAL PROGRAMS

22 "SEC. 225. (a) All Federal agencies administering any  
23 program—

1           “(1) under which any Federal assistance is pro-  
2       vided to any State or local government or to any other  
3       person or entity, or

4           “(2) under which any Federal license, permit, or  
5       other approval is required

6       shall coordinate such program with the purposes of this Act  
7       and give a priority in carrying out such program to projects  
8       which will further the purposes of this Act.

9           “(b) Not later than one hundred and eighty days after  
10      the date on which an Administrator is initially appointed  
11      under this Act, or one hundred and eighty days after the date  
12      on which a program referred to in subsection (a)(1) is estab-  
13      lished in the case of a program established after the date of  
14      such appointment, each agency administering such program  
15      shall submit to the Administrator a proposal for carrying out  
16      such program under which, notwithstanding any other provi-  
17      sion of law, the assistance to projects that will further the  
18      preservation of National Register or eligible properties and  
19      are entitled to priority under subsection (a)(1) shall be in-  
20      creased above the assistance which would otherwise be avail-  
21      able.

22          “(c) Each agency required to submit a proposal under  
23      subsection (b) and each agency administering a program ad-  
24      dressed in subsection (a)(2) shall, not later than one hundred  
25      and eighty days after the date on which the Administrator is

1 appointed, submit a proposal under which, notwithstanding  
 2 any other provision of law, the assistance or permission pro-  
 3 vided under such program for any project is—

4       “(1) reduced by not less than 25 per centum  
 5       below the assistance which would otherwise be availa-  
 6       ble for the project, or

7       “(2) suspended for a period of two years  
 8       in any case in which it is determined that the project may  
 9       have been entitled to a priority under subsection (a) but for  
 10       action involving demolition, destruction, or damage to an eli-  
 11       gible property or property which is on the National Register  
 12       and which is involved in such project prior to the date on  
 13       which such assistance or permission is (or, but for paragraph  
 14       (2), would be) available. The two-year period specified in  
 15       paragraph (2) shall begin on the date such demolition, de-  
 16       struction, or damage commences.

17       “Subtitle D—National and World Heritage Significance;

18               International Activities

19               “LANDMARK PROGRAM

20       “SEC. 231. (a) The Administrator shall establish a con-  
 21       tinuing program to evaluate this Nation’s historic resources  
 22       to identify and designate properties of national significance,  
 23       or properties of such significance that they may warrant in-  
 24       clusion in the World Heritage list referred to in section 232.  
 25       The Administrator shall establish special advisory panels of

1 qualified experts in the fields of history, architecture,  
2 archeology, and related disciplines to assist in the evaluation  
3 of properties under this section.

4       “(b) The survey and evaluation of historic properties  
5 under this section may be conducted on a thematic or other  
6 appropriate basis and only those examples determined to be  
7 outstanding shall be designated as nationally significant.  
8 Properties determined by the Administrator to be of national  
9 significance shall be designated as ‘National Historic Land-  
10 marks’ and properties included in the World Heritage list  
11 shall be designated as ‘World Heritage Properties’. When-  
12 ever the Administrator determines that a property is of na-  
13 tional significance he shall notify the Interior and Insular Af-  
14 fairs Committee of the United States House of Representa-  
15 tives and the Energy and Natural Resources Committee of  
16 the United States Senate thirty days before such action be-  
17 comes effective.

18       “(c) The Administrator shall promulgate standards and  
19 criteria to evaluate properties for national and World Heri-  
20 tage significance within one hundred and eighty days after  
21 the date on which the Administrator is initially appointed. In  
22 developing these criteria and standards the Administrator  
23 shall consult with the Secretary of the Interior and appropri-  
24 ate experts in the fields of history, architecture, archeology,  
25 and related disciplines.

## 1                   “WORLD HERITAGE CONVENTION

2           “SEC. 232. (a) The Administrator shall coordinate and  
3 encourage United States participation in the Convention  
4 Concerning the Protection of the World Cultural and Natural  
5 Heritage, approved by the Senate on October 26, 1973, and  
6 in other international historic preservation activities in coop-  
7 eration with the Secretary of the Interior, the Secretary of  
8 State, and the Smithsonian Institution. Whenever possible,  
9 expenditures incurred in carrying out activities in cooperation  
10 with other Nations and international organizations shall be  
11 paid for in such excess currency of the country or area where  
12 the expense is incurred as may be available to the United  
13 States.

14          “(b) The Administrator shall establish a program to  
15 nominate historic properties to the World Heritage Commit-  
16 tee on behalf of the United States. No such nomination may  
17 be made by the Administrator until sixty days after notifica-  
18 tion of the Committee on Interior and Insular Affairs of the  
19 United States House of Representatives and the Committee  
20 on Energy and Natural Resources of the United States  
21 Senate of the intended action. Each such nomination shall  
22 include evidence of adequate legal protection to ensure pres-  
23 ervation of the property and its environment.

1 "INTERNATIONAL CENTRE

2 "SEC. 233. (a) The participation of the United States as  
3 a member in the International Centre for the Study of the  
4 Preservation and Restoration of Cultural Property is hereby  
5 authorized.

6 "(b) The Administrator shall recommend to the Secre-  
7 tary of State, after consultation with the Smithsonian Institu-  
8 tion and other public and private organizations concerned  
9 with the technical problems of preservation, the members of  
10 the official delegation which will participate in the activities  
11 of the Centre on behalf of the United States. The Secretary  
12 of State shall appoint the members of the official delegation  
13 from the persons recommended to him by the Administrator.

14 "(c) For the purposes of this section there are author-  
15 ized to be appropriated such sums as may be necessary to  
16 pay the assessment of United States membership in the  
17 Centre for fiscal years 1979 through 1989. No appropriation  
18 is authorized and no payment shall be made to the Centre in  
19 excess of 25 per centum of the total annual assessment of  
20 such organization.

21 "INTERNATIONAL TRAVEL

22 "SEC. 234. The Administrator shall establish a program  
23 to encourage tourism by people of other nations to historic  
24 properties in the United States which reflect the diverse

1 ethnic and cultural heritages of the citizens of the United  
2 States.

3 "COMMENT ON INTERNATIONAL ACTIONS OF FEDERAL  
4 AGENCIES

5 "SEC. 235. Each Federal agency which proposes any  
6 undertaking outside the United States which may affect a  
7 property which is on the World Heritage list or which has  
8 been nominated for inclusion on such list shall notify the Ad-  
9 ministrator prior to commencing such undertaking and shall  
10 afford the Administrator forty-five days to comment on the  
11 proposed undertaking before commencing such undertaking.

12 "Subtitle E—Federal Agency Responsibilities

13 "PRESERVATION OFFICERS

14 "SEC. 241. (a) Under guidelines established by the Ad-  
15 ministrator, each head of a Federal agency shall designate an  
16 official at an appropriate level to be known as the agency's  
17 'Preservation Officer'. The Preservation Officer shall be re-  
18 sponsible for coordinating that agency's activities under this  
19 Act. The Preservation Officer of each such agency shall, in  
20 each instance where compliance with any provision of this  
21 Act is required, certify such compliance for such agency.  
22 Each Federal agency shall develop a system to provide for  
23 the designation of officials at the field or regional level, as  
24 appropriate, to assist the Preservation Officer in carrying out  
25 his functions.



1       “(b) Each Preservation Officer and official designated  
2 under subsection (a) at the field or regional level shall partici-  
3 pate in a training program established by the Administrator  
4 under section 211. Each agency shall consult with the Ad-  
5 ministrator to determine the appropriate number and type of  
6 certified professional staff necessary to carry out the preser-  
7 vation responsibilities of the agency.

8       “AGENCY MANAGMENT OF HISTORIC PROPERTIES

9       “SEC. 242. (a) All Federal agencies shall assume re-  
10 sponsibility for the preservation, maintenance, rehabilitation,  
11 renovation, adaptive use, or restoration of properties which  
12 are included in the National Register and which are under  
13 such agency’s jurisdiction or control.

14       “(b) Each Federal agency having responsibility for the  
15 managment of any real property shall, to the extent practica-  
16 ble, in carrying out such agency’s responsibilities under other  
17 provisions of Federal law, give a priority to the use of Eligi-  
18 ble Properties and properties which are in the National Reg-  
19 ister that are under its jurisdiction or control. Each such  
20 agency shall undertake, consistent with the preservation of  
21 such properties and the mission of such agency, such rehabili-  
22 tation and maintenance of such properties as may be neces-  
23 sary to carry out this section.

24       “(c)(1) Within one year after the date of the enactment  
25 of the National Historic Preservation Amendments of 1979

1 (or, if later, within one year after a property under the juris-  
2 diction or control of any Federal agency is determined to be  
3 an eligible property or is included in the National Register),  
4 each Federal agency having jurisdiction or control over any  
5 eligible property or property included in the National Regis-  
6 ter shall prepare a property management plan detailing how  
7 the agency will administer the property. Plans providing for  
8 the preservation of the property shall be consistent with the  
9 property management standards issued by the Administrator  
10 pursuant to section 223. Plans that do not provide for the  
11 preservation of the property or that may have an adverse  
12 effect on the property shall be submitted to the Administrator  
13 for comment in accordance with section 247.

14       “(2) During the preparation of such property manage-  
15 ment plans, each Federal agency shall take appropriate steps  
16 to stabilize eligible properties and properties which are on the  
17 National Register in order to prevent deterioration or  
18 damage to the property. Expenditures for such stabilization  
19 shall not be treated as a public investment under section  
20 101(b)(2).

21       “STUDY BY INTERIOR OF FEDERAL PROPERTIES

22       “SEC. 243. Notwithstanding any other provision of law,  
23 the Secretary of the Interior, acting through the National  
24 Park Service, shall study and investigate properties included  
25 in the National Register which are under the jurisdiction or

1 control of other Federal agencies and, from time to time,  
2 may, with the concurrence of the Administrator, recommend  
3 to the President that the administrative jurisdiction or control  
4 of such properties be transferred to the Secretary. Any such  
5 recommendation shall be transmitted, concurrently with its  
6 submission to the President, to the Committee on Interior  
7 and Insular Affairs of the United States House of Repre-  
8 sentatives and the Committee on Energy and Natural Re-  
9 sources of the United States Senate. One hundred and eighty  
10 days after the submission of any such recommendation, and  
11 with the concurrence of the Director of the Office of Manage-  
12 ment and Budget, the head of the agency exercising adminis-  
13 trative jurisdiction or control over the property shall transfer  
14 to the Secretary jurisdiction over the property, together with  
15 such funds and personnel available for the development,  
16 maintenance, and interpretation thereof, as may be deter-  
17 mined by the Director of the Office of Management and  
18 Budget. Property so transferred shall be administered by the  
19 Secretary as a unit of the national park system in accordance  
20 with the Act of August 25, 1916 (35 Stat. 535), and in ac-  
21 cordance with such cooperative agreements as the Secretary  
22 of the Interior and the head of the transferring agency may  
23 determine to be necessary or desirable for the continued use,  
24 if any, of such property by the transferring agency where  
25 such use is consistent with preservation of the historical, ar-

1 chitectural, archeological, or cultural characteristics of the  
2 property.

3 "AUTHORITY FOR INTERIOR TO ACCEPT PRESERVATION  
4 EASEMENTS

5 "SEC. 244. The Secretary of the Interior is authorized,  
6 upon the concurrence of the Administrator, to accept gifts or  
7 donations of less than fee interests in any eligible property or  
8 property which is included in the National Register where  
9 the acceptance of such interests will facilitate the preserva-  
10 tion of such property. Nothing in this section or in any provi-  
11 sion of this Act shall be construed to affect or impair any  
12 other authority of the Secretary of the Interior under other  
13 provisions of law to accept or acquire any property for pres-  
14 ervation or for any other purpose.

15 "AUTHORITY TO LEASE AND EXCHANGE

16 "SEC. 245. (a) Each Federal agency having authority  
17 for the management of any real property may, upon the con-  
18 currence of the Administrator, lease to any appropriate  
19 person or organization, or exchange with any such person or  
20 organization for other appropriate property, any land, build-  
21 ings, and other structures managed by it which are eligible  
22 properties or properties included in the National Register.  
23 Any such lease shall be at such rates and under such terms  
24 and conditions as the head of such agency deems appropriate.  
25 The rates at which any such land, building, or other structure

1 is leased may be less than the fair market value of such lease  
2 in any case in which the agency head, with the concurrence  
3 of the Administrator, determines that the lease will ade-  
4 quately insure the conservation, maintenance, repair, preser-  
5 vation, and protection of such property.

6       “(b) The proceeds of each lease of land or a building or  
7 other structure under subsection (a) shall, notwithstanding  
8 any other provision of law, be retained by the agency enter-  
9 ing into such lease and used to defray the costs of administra-  
10 tion, maintenance, repair, and related expenses incurred by  
11 the agency with respect to such property or other eligible  
12 properties or properties which are on the National Register  
13 and which are under the jurisdiction or control of such  
14 agency. Any surplus proceeds from such leases shall be de-  
15 posited into the Treasury of the United States at the end of  
16 the fiscal year following the fiscal year in which such pro-  
17 ceeds were received.

18       “(c) The head of any Federal agency having authority  
19 for the management of any real property may, if he deems it  
20 appropriate, enter into contracts for the management of any  
21 eligible property or property which is on the National Regis-  
22 ter. Any such contract shall contain such terms and condi-  
23 tions as the head of such agency deems necessary or appro-  
24 priate to protect the interests of the United States.”.

1     “COOPERATION WITH PURCHASERS AND TRANSFEREES

2     “SEC. 246. All Federal agencies shall cooperate with  
3 purchasers and transferees of any eligible property or proper-  
4 ty which is included in the National Register in the develop-  
5 ment of plans for uses of such property that are compatible  
6 with preservation and conservation objectives without impos-  
7 ing unreasonable economic burdens on public or private  
8 interests.

9     “PROTECTION OF HISTORIC PROPERTIES

10    “SEC. 247. (a) The head of each Federal agency having  
11 direct or indirect jurisdiction over a proposed Federal or fed-  
12 erally assisted undertaking in any State and the head of each  
13 Federal agency having authority to license any undertaking  
14 shall, prior to the approval of the expenditure of any Federal  
15 funds on the undertaking or prior to the issuance of any li-  
16 cense, as the case may be, determine whether any Federal  
17 non-federally owned historic properties that—

18           “(1) may meet the criteria of significance estab-  
19 lished by the Administrator pursuant to section 104(a),

20           “(2) have been included in the Inventory of His-  
21 toric Resources,

22           “(3) have been designated as eligible properties,  
23 or

24           “(4) are included in the National Register, are lo-  
25 cated within the areas to be directly or indirectly af-

1        fected by the proposed undertaking. If the areas to be  
2        affected by the proposed undertaking have not been  
3        surveyed in accordance with the survey standards es-  
4        tablished by the Administrator pursuant to section 222,  
5        the agency head shall ensure that a survey sufficient to  
6        locate such properties is undertaken at the earliest  
7        stages of planning for the undertaking. Properties  
8        which may meet the criteria of significance shall be  
9        evaluated jointly by the Federal agency and the appro-  
10        priate State historic preservation officer to determine  
11        whether or not the resource should be included on the  
12        Inventory of Historic resources and designated as an  
13        eligible property. In the event that the agency and the  
14        State historic preservation officer disagree, the matter  
15        shall be referred to the Administrator for a final deci-  
16        sion within thirty days. In the case of any property lo-  
17        cated within a State which does not have an approved  
18        program under title I, the Administrator shall make  
19        the determination under this subsection respecting  
20        whether or not such property should be included in the  
21        Inventory of Historic Resources and designated as an  
22        eligible property.

23                “(b) After carrying out subsection (a) each agency  
24        head shall—

1           “(1) take into account the effect of the proposed  
2           undertaking on any district, site, building, structure, or  
3           object that is designated as an eligible property;

4           “(2) determine that no feasible or prudent alterna-  
5           tive exists to a proposed undertaking that may ad-  
6           versely affect any property included in the National  
7           Register, and develop, to the maximum extent possible,  
8           such special planning as is necessary to minimize harm  
9           to such properties; and

10          “(3) afford the Administrator a reasonable oppor-  
11          tunity to comment on the undertaking in accordance  
12          with regulations established by the Administrator.

13                               “EXEMPTIONS

14          “SEC. 248. Within one hundred and eighty days after  
15          the date of the initial appointment of the Administrator, he  
16          shall promulgate regulations or guidelines, as appropriate  
17          under which Federal programs or undertakings may be  
18          exempted from any or all of the requirements of this Act  
19          when such exemption is determined to be not inconsistent  
20          with the purposes of this Act, taking into consideration the  
21          magnitude of the exempted undertaking or program and the  
22          likelihood of impairment of historic properties.

23                               “FUNDS SPENT BY FEDERAL AGENCIES

24          “SEC. 249. (a) Notwithstanding any other provision of  
25          law, all Federal agencies are authorized to expend appropri-



1 ated funds, including funds in operations and maintenance ac-  
2 counts, for the purposes of this Act. Each Federal agency  
3 shall include the costs of identification, evaluation, and pro-  
4 tection activities of such agency under this Act as eligible  
5 project costs in all undertakings of such agency or assisted by  
6 such agency. Such eligible project costs shall also include  
7 amounts paid by a Federal agency to any State historic pres-  
8 ervation officer to be used by such Officer in carrying out  
● such identification, evaluation, and protection responsibilities  
10 of the Federal agency under this Act.

11 “(b) Identification, surveys, evaluation, and data recov-  
12 ery carried out with respect to historic properties within proj-  
13 ect areas shall be treated for purposes of any law or rule of  
14 law as planning costs of the project and not as costs of  
15 mitigation.

16 ● “(c) The costs of identification, surveys, evaluation, and  
17 data recovery carried out in accordance with the guidelines  
18 under section 222 may be charged to Federal licensees and  
19 permittees as a condition to the issuance of such license or  
20 permit.

21 “(d) The Administrator is authorized to waive, in appro-  
22 priate cases, the 1 per centum limitation contained in section  
23 7(a) of the Archaeological Recovery Act of 1960 (16 U.S.C.  
24 469–469c).

1           “REVIEW OF AGENCY POLICIES AND PROGRAMS

2           “SEC. 250. Each Federal agency shall provide the Ad-  
3   ministrator a reasonable opportunity to comment on proposed  
4   policies and programs that may affect historic properties and  
5   the purposes of this Act at least forty-five days prior to the  
6   effective date of the implementation of any such action. With  
7   respect to legislative proposals, agencies shall only provide  
8   the Administrator with an opportunity to comment on pro-  
9   posals initiated by the agency.”.

10          (d) Such Act is further amended by adding the following  
11   new title at the end thereof:

12          “TITLE III—GENERAL, ADMINISTRATIVE, AND  
13                   MISCELLANEOUS PROVISIONS

14                   “Subtitle A—General Provisions

15                                   “DEFINITIONS

16          “SEC. 301. As used in this Act—

17                   “(1) The term ‘National Register’ and the term  
18          ‘Register’ mean the National Register of Historic  
19          Places established under section 101.

20                   “(2) The term ‘Administrator’ means the Admin-  
21          istrator for Historic Preservation.

22                   “(3) The term ‘Inventory of Historic Resources’  
23          and the term ‘inventory’ mean the inventory estab-  
24          lished under section 102.

1           “(4) The term ‘eligible property’ means a  
2 property designated on the Inventory of Historic Re-  
3 sources pursuant to section 102(b) as eligible for inclu-  
4 sion on the National Register.

5           “(5) The term ‘prior authority of law’ means the  
6 provisions of this Act as in effect before the date of the  
7 enactment of the National Historic Preservation  
8 Amendments of 1979.

9           “(6) The term ‘State’ includes, in addition to the  
10 several States of the Union, the District of Columbia,  
11 the Commonwealth of Puerto Rico, the Virgin Islands,  
12 Guam, American Samoa, and the Commonwealth of  
13 the Northern Mariana Islands.

14           “(7) The term ‘undertaking’ means any Federal,  
15 federally assisted or federally licensed action, activity,  
16 or program or the approval, sanction, assistance, or  
17 support of any non-Federal action, activity, or pro-  
18 gram. Such term includes new and continuing projects  
19 and program activities which are—

20           “(A) directly undertaken by Federal  
21 agencies;

22           “(B) supported in whole or in part through  
23 Federal contracts and grants, or other forms of  
24 direct or indirect funding assistance (including  
25 loans and loan guarantees); and

1           “(C) carried out pursuant to a Federal lease,  
2           permit, license, certificate, approval, or other form  
3           of entitlement or permission.

4           “(8) The term ‘preservation’ includes identifica-  
5           tion, evaluation, recordation, acquisition, protection, re-  
6           habilitation, restoration, maintenance and reconstruc-  
7           tion, or any combination of the foregoing activities.

8           “(9) The term ‘Federal agency’ and the term  
9           ‘agency’ mean any department, agency, or instrumen-  
10          tality of the United States as such terms are defined in  
11          title 1 of the United States Code, except that such  
12          terms include the National Historic Preservation  
13          Agency only when the context so requires.

14          “(10) The term ‘Indian tribe’ means the govern-  
15          ing body of any Indian tribe, band, nation, or other  
16          group which is recognized as an Indian tribe by the  
17          Secretary of the Interior or for which the United  
18          States holds lands in trust or other restricted status.

19                   “HISTORIC PRESERVATION FUND

20          “SEC. 302. (a)(1) To carry out the provisions of this  
21          Act, there is hereby established the Historic Preservation  
22          Fund (hereafter referred to as the ‘fund’) in the Treasury of  
23          the United States. The fund shall consist of not to exceed  
24          \$150,000,000 for fiscal year 1980, and not to exceed  
25          \$150,000,000 for each of the fiscal years 1981 through

1 1989, from revenues due and payable to the United States  
2 under the Outer Continental Shelf Lands Act (43 U.S.C.  
3 338), under the Act of June 4, 1920 (30 U.S.C. 191), or  
4 from revenues due and payable to the United States under  
5 both of such Acts notwithstanding any provision of law that  
6 such proceeds shall be credited to miscellaneous receipts of  
7 the Treasury. There shall also be credited to the fund any  
8 amount paid to any agency or instrumentality of the United  
9 States in satisfaction of any loan made by the Administrator  
10 under section 121.

11 “(2) Amounts credited to the fund shall be used only to  
12 carry out the purposes of this Act and shall be available for  
13 expenditure only when appropriated by the Congress. Any  
14 amounts not appropriated shall remain available in the fund  
15 until appropriated for such purposes.

16 “(3) Appropriations of amounts available in this fund  
17 may be made without fiscal year limitation.

18 “(b) Not less than two-thirds of any amount appropri-  
19 ated under this section shall be available only for grants to  
20 States under part 2 of subtitle B of title I. Of such two-thirds  
21 available for such grants—

22 “(1) 50 per centum shall be divided equally  
23 among the States,

24 “(2) 20 per centum shall be divided among the  
25 States on the basis of population, and

1           “(3) 30 per centum shall be divided among the  
2       States on the basis of criteria established by the Ad-  
3       ministrator with respect to need and performance.

4   The Administrator shall notify each State of its apportion-  
5   ment under this subsection within thirty days following the  
6   date of enactment of legislation appropriating funds under  
7   this section. Any amount of any such apportionment which  
8   has not been paid or obligated during the fiscal year for  
9   which such amount was appropriated or during the succeeding  
10   two fiscal years shall be returned by the State to the Admin-  
11   istrator and shall be reapportioned by the Administrator, in  
12   accordance with paragraphs (1), (2), and (3) of this subsec-  
13   tion, to States other than the State returning such amount.

14       “(c) Not more than one-third of the amount appropri-  
15   ated under this section shall be available only for carrying  
16   out the Federal program under part 3 of subtitle B of title  
17   and for the Administrator to carry out his other duties and  
18   responsibilities under this Act, except that if any amount of  
19   such one-third remains unexpended or unobligated after all  
20   necessary expenditures have been made for purposes of car-  
21   rying out such Federal program, the Administrator may use  
22   such remaining amounts, without regard to fiscal year limita-  
23   tion, to make supplemental grants to a project receiving as-  
24   sistance under a State or local program under part 2 of subti-  
25   tle B of title I. Any such supplemental grant shall be made

1 only in compliance with the requirements of such subtitle,  
 2 including the 50 per centum limitation contained in section  
 3 112(a). No amount may be appropriated as provided in this  
 4 subsection for the fiscal years 1981 or 1982 if such appropri-  
 5 ation would result in the reduction in the amounts available  
 6 for grants to States under subsection (b) below the amounts  
 7 available for grants to States under prior authority of law.

8 "PUBLIC PARTICIPATION AND BENEFIT

9 "SEC. 303. The Administrator shall establish regula-  
 10 tions to insure maximum public participation in, and public  
 11 benefit from all activities of—

12 "(1) the Administrator, the Council, and other  
 13 Federal agencies carrying out any requirement of this  
 14 Act,

15 "(2) States carrying out approved programs under  
 16 this Act, and

17 "(3) units of local government carrying out pro-  
 18 grams certified as provided in this Act.

19 "RELATIONSHIP TO CERTAIN OTHER LAWS

20 "SEC. 304. (a) Notwithstanding any other provision of  
 21 law, grants made under this Act may not be used to satisfy  
 22 the requirements of any other provision of law requiring the  
 23 matching by State or local funds for eligibility for any other  
 24 Federal assistance.

1       “(b) Notwithstanding any other provision of law, no  
2 grant made under this Act shall be treated as taxable income  
3 for purposes of the Internal Revenue Code of 1954 or for  
4 purposes of any State or local law imposing a tax on income.

5                       “PRIVATE ATTORNEYS GENERAL

6       “SEC. 305. In any civil action brought in any United  
7 States district court by any person against any Federal  
8 agency to enforce the requirements of section 247 of this Act,  
9 if such person substantially prevails in such action, the court  
10 shall award to such person such attorney’s fees, expert wit-  
11 ness fees, and other costs of preparing for, and participating  
12 in, such action as the court deems reasonable.

13                      “PRESERVATION AWARDS PROGRAM

14       “SEC. 306. The Administrator is authorized to establish  
15 an annual preservation awards program under which he  
16 makes awards of up to \$10,000 to officers and employees  
17 Federal, State, and local governments in recognition of their  
18 outstanding contributions to the preservation of historic re-  
19 sources. Such program may include the issuance of an annual  
20 award by the President of the United States to any citizen of  
21 the United States recommended for such award by the Ad-  
22 ministrator. Not later than one year after the date of the  
23 initial appointment of the Administrator, he shall promulgate  
24 regulations for carrying out the awards program under this  
25 paragraph.



1           “Subtitle B—Administrative Provisions

2           “DELEGATION TO STATES OF CERTAIN FUNCTIONS

3           “SEC. 321. The Administrator is authorized to delegate  
4 to any State having an approved program under part 2 of  
5 subtitle B of title I the authority to carry out his responsibil-  
6 ities under the National Environmental Policy Act of 1969  
7 with respect to any activities carried out under such ap-  
8 proved program.

9           “TRANSFER OF AUTHORITIES

10          “SEC. 322. (a) The provisions of the following Acts (and  
11 of agreements entered into under the authority of such Acts)  
12 which relate to historic preservation responsibilities of the  
13 Secretary of the Interior, except as they may be related to  
14 management of lands, waters, or interests therein of the na-  
15 tional park system or other lands, waters, or interests there-  
16 in, under the jurisdiction or control of the Secretary shall be  
17 administered by the Administrator:

18               “(1) The Act entitled ‘An Act to provide for the  
19 preservation of historic American sites, buildings, ob-  
20 jects, and antiquities of national significance, and for  
21 other purposes’, approved August 21, 1935 (49 Stat.  
22 666; 16 U.S.C. 461 et seq.).

23               “(2) Section 203(k)(3) of the Federal Property and  
24 Administrative Services Act of 1949 (40 U.S.C.  
25 484(k)(3)).

1           “(3) Section 7 of the Act entitled ‘An Act to pro-  
2       vide for the disposition, control, and use of surplus real  
3       property acquired by Federal agencies, and for other  
4       purposes’, approved August 27, 1935 (49 Stat. 885;  
5       40 U.S.C. 304a-2).

6           “(4) The Act entitled ‘An Act to further the  
7       policy enunciated in the Historic Sites Act and to fa-  
8       cilitate public participation in the preservation of sites,  
9       buildings, and objects of national significance or inte-  
10      est and providing a national trust for historic preserva-  
11      tion’, approved October 26, 1949 (63 Stat. 927; 16  
12      U.S.C. 468 et seq.).

13           “(5) The Archaeological Recovery Act of 1960  
14      (16 U.S.C. 469-469c).

15           “(6) Section 2124 of the Tax Reform Act of 1976  
16      (90 Stat. 1916-1920).

17           “(7) The provisions of section 8 (relating to the  
18      National Register of Historic Places) of the Act enti-  
19      tled ‘An Act to improve the administration of the na-  
20      tional park system by the Secretary of the Interior,  
21      and to clarify the authorities applicable to the system,  
22      and for other purposes’, approved August 18, 1970 (84  
23      Stat. 825; 16 U.S.C. 17d).

24           “(b) So much of the personnel, property, records, unex-  
25      pended balances or appropriations, allocations, and other

1 funds held, used, programed, and available to or to be made  
 2 available to any officer or employee of any department or  
 3 agency of the United States related to, or in support of, ac-  
 4 tivities transferred to the Administrator under this section, as  
 5 the Director of the Office of Management and Budget deter-  
 6 mines, shall be transferred from such to the Administrator  
 7 within one hundred and eighty days after the date of the  
 8 enactment of the Historic Preservation Amendments of  
 9 1979.

10       “(c) Any employee in the competitive service of the  
 11 United States transferred to the Agency under the provisions  
 12 of this section shall retain all rights, benefits, and privileges  
 13 pertaining thereto held prior to such transfer.

14                               “POSTPONEMENT ORDERS

15       “SEC. 323. (a)(1) Upon a determination by the Adminis-  
 16 trator that any action undertaken, or which may be under-  
 17 taken, by any Federal agency, or agency or instrumentality  
 18 of a State or local government, or by any other person will  
 19 adversely affect any property included in the National Regis-  
 20 ter, the Administrator may issue an order requiring such  
 21 person to postpone such action for not more than sixty days  
 22 following the date of issuance of the order.

23       “(2) During the sixty-day period referred to in para-  
 24 graph (1), the Administrator shall endeavor to develop an  
 25 acceptable preservation plan for the property and may also

1 exercise the emergency acquisition authority provided under  
2 the amendment made by section 3 of the National Historic  
3 Preservation Amendments of 1979 with respect to the prop-  
4 erty involved.

5 “(3)(A) Any person who violates an order issued under  
6 paragraph (1) shall be assessed a civil penalty in an amount  
7 not greater than the fair market value of the property with  
8 respect to which such order was issued.

9 “(B) Any person aggrieved by assessment of a civil pe-  
10 alty under subparagraph (A) may file a petition for judicial  
11 review of such assessment with the United States District  
12 Court for the District of Columbia or for any other district in  
13 which such a person resides or transacts business. Such a  
14 petition may only be filed within the thirty-day period begin-  
15 ning on the date such assessment was made.

16 “(C) If any person fails to pay an assessment of a civil  
17 penalty under this paragraph—

18 “(i) after the assessment has become final and  
19 such person has not filed a petition for judicial review  
20 in accordance with subparagraph (B), or

21 “(ii) after a court in an action brought under sub-  
22 paragraph (B) has entered a final judgment upholding  
23 the assessment of a civil penalty,

24 the Administrator may request the Attorney General to insti-  
25 tute a civil action in a district court of the United States for

1 any district in which such person is found, resides, or trans-  
2 acts business to collect the penalty and such court shall have  
3 jurisdiction to hear and decide any such action. In such  
4 action, the validity and amount of such penalty shall not be  
5 subject to review.

6       “(D) Hearings held during proceedings for the assess-  
7 ment of civil penalties authorized by this paragraph shall be  
8 conducted in accordance with section 554 of title 5 of the  
9 United States Code. The Administrator may issue subpoenas  
10 for the attendance and testimony of witnesses and the pro-  
11 duction of relevant papers, books, and documents, and admin-  
12 ister oaths. Witnesses summoned shall be paid the same fees  
13 and mileage that are paid to witnesses in the courts of the  
14 United States. In case of contumacy or refusal to obey a  
15 subpoena served upon any person pursuant to this paragraph,  
16 the district court of the United States for any district in  
17 which such person is found or resides or transacts business,  
18 upon application by the United States and after notice to  
19 such person, shall have jurisdiction to issue an order requir-  
20 ing such person to appear and give testimony before the Ad-  
21 ministrator or to appear and produce documents before the  
22 Administrator, or both, and any failure to obey such order of  
23 the court may be punished by such court as a contempt  
24 thereof.

1       “(b) Nothing in this section shall apply to any undertak-  
 2 ing which has commenced before the date of the enactment of  
 3 the National Historic Preservation Amendments of 1979.

4               “Subtitle C—Center for the Building Arts

5               “ESTABLISHMENT OF NATIONAL HISTORIC SITE

6       “SEC. 331. In order to commemorate and encourage  
 7 the building arts and to preserve and maintain for public use  
 8 a nationally significant building which exemplifies the great  
 9 achievements of the building arts in the United States, the  
 10 Secretary of the Interior is authorized to establish the Pen-  
 11 sion Building located in the block bounded by Fourth Street,  
 12 Fifth Street, F Street, and G Street, Northwest in Washing-  
 13 ton, District of Columbia, as a national historic site to be  
 14 named the ‘National Center for the Building Arts’ (herein-  
 15 after in this title referred to as the ‘Center’). The Administra-  
 16 tor of General Services shall transfer such building, and  
 17 land on which it is situated, to the jurisdiction of the Secre-  
 18 tary of the Interior promptly following the enactment of the  
 19 National Historic Preservation Amendments of 1979.

20               “MANAGEMENT OF CENTER

21       “SEC. 332. (a) The Secretary of the Interior shall ren-  
 22 ovate, maintain, and administer the site established under  
 23 section 331 in accordance with the provisions of this title, the  
 24 Acts generally applicable to units of the national park system  
 25 (including the Act of August 25, 1916; 16 U.S.C. 1–4 and

1 the Act of August 21, 1935, 16 U.S.C. 461-7). In carrying  
2 out such functions, the Secretary is authorized to enter into  
3 contracts with the National Building Arts Foundation.

4       “(b) The renovation of the Center and its conservation  
5 for public use and enjoyment shall be carried out by the Sec-  
6 retary with the advice of the Administrator of Historic Pres-  
7 ervation. Such renovation shall, as far as practicable: (1) pre-  
8 serve, enhance, and restore the distinctive and historically  
9 authentic architectural character of the Pension Building  
10 consistent with the needs of the Center; and (2) retain the  
11 availability of the central court of the building, or portions  
12 thereof, for appropriate public activities.

13       “(c) The Secretary of the Interior, acting through the  
14 National Park Service, shall provide such maintenance, secu-  
15 rity, information, interpretation, janitorial and other services  
16 as may be necessary to assure the preservation and operation  
17 of the Center and the Secretary, acting through the National  
18 Park Service, may enter into cooperative agreements with  
19 the Building Arts Foundation, created by section 333 of this  
20 title, for such purposes.

21       “(d) There are hereby authorized to be appropriated to  
22 the Secretary \$15,000,000 to be used for the renovation of  
23 the Center.

1           “NATIONAL BUILDING ARTS FOUNDATION

2           “SEC. 333. (a) There is hereby established in the Dis-  
3     trict of Columbia a charitable, educational, and scientific non-  
4     profit corporation to be known as the National Building Arts  
5     Foundation (hereinafter in this subtitle referred to as the  
6     “Foundation”) whose duty it shall be to carry out the follow-  
7     ing programs:

8           “(1) collection and dissemination of information  
9     concerning the building arts, including the establish-  
10    ment of a national reference center for current and his-  
11    toric documents, publications, and research relating to  
12    the building arts;

13          “(2) providing education and information relating  
14    to the history and practice of the building arts includ-  
15    ing promotion of imaginative education programs to en-  
16    hance understanding and appreciation of all facets  
17    the building arts; and

18          “(3) the public display of temporary and perma-  
19    nent exhibits illustrating and interpreting the building  
20    arts.

21 and to utilize, to the maximum extent practicable, the  
22 historic site established under section 332 for such purposes.  
23 The Foundation shall coordinate its activities under this sub-  
24 title with other public and private organizations and individ-



1 uals in order to avoid, to the extent possible, the duplication  
2 of efforts relating to the functions of the Foundation.

3       “(b)(1) The Foundation shall be under the direction of a  
4 Board of Trustees (hereinafter in this subtitle referred to as  
5 the “Board”), which shall meet at least two times during  
6 each calendar year.

7       “(2) The Board shall be composed of nine general mem-  
8 bers and the following ex officio members: Secretary of the  
9 Interior, the Secretary of Labor, the Administrator, the Li-  
10 brarian of Congress, the Secretary of Housing and Urban  
11 Development, the Commissioner of Education (or any succes-  
12 sor agency or office), and the Chairman of the National En-  
13 dowment of the Arts. The President of the Foundation, ap-  
14 pointed under subsection (d), shall serve as a nonvoting ex  
15 officio member of the Board. The initial general members  
16 shall be appointed by the President from among citizens of  
17 the United States having distinction in the building arts. In  
18 making appointments of initial general members the Presi-  
19 dent shall consider recommendations submitted to him by in-  
20 stitutions and organizations (including labor unions, profes-  
21 sional associations, and educational institutions) having an in-  
22 terest in the activities to be carried out by the Foundation,  
23 having due regard for appropriate representational balance  
24 on the Board. The President shall appoint all initial general  
25 members of the Board within ninety-days after the date of

1 the enactment of the National Historic Preservation Amend-  
2 ments of 1979. The Board shall initially convene not later  
3 than ninety days after the expiration of the ninety-day period  
4 referred to in the preceding sentence. Nine members of the  
5 Board shall constitute a quorum. The members of the initial  
6 Board shall serve as incorporators and shall take whatever  
7 actions are necessary to incorporate the Foundation as a non-  
8 profit corporation in the District of Columbia.

9       “(3) The general members of the Board shall serve for  
10 terms of five years, except that the general members initially  
11 appointed shall serve for terms of from one to five years, as  
12 designated by the President at the time of appointment, in  
13 such manner as to assure that not more than two of such  
14 terms will expire in any one year. Any vacancy on the Board  
15 among its general members, following their initial appoint-  
16 ment, shall be filled by the Board by a vote of not less th  
17 ten of the then acting members of the Board.

18       “(4) The Board shall have a Chairman and Vice Chair-  
19 man who shall be elected from among the general members  
20 by a majority vote of the Board to serve for a period of two  
21 years.

22       “(5) The general members of the Board shall each be  
23 entitled to receive \$100 for each day (including traveltime)  
24 during which they are engaged in the performance of func-  
25 tions vested in the Board. The ex officio members of the

1 Board shall receive no additional compensation by reason of  
2 their service on the Board, but while away from their homes  
3 or regular places of business in the performance of services  
4 for the Board, all members of the Board shall be allowed  
5 travel expenses, including per diem in lieu of subsistence, in  
6 the same manner as persons employed intermittently in Gov-  
7 ernment service are allowed expenses under section 5703 of  
8 title 5 of the United States Code.

9       “(6) A general member of the Board may be removed  
10 during his term of office by a vote of seven members for  
11 malfeasance in office or for persistent neglect of or inability  
12 to discharge duties.

13       “(7) No member of the Board may participate in any  
14 decision, action, or recommendation with respect to any  
15 matter which directly benefits such member or pertains spe-  
16 cifically to any firm, organization, or other entity with which  
17 such member is then associated or has been associated within  
18 a period of two years.

19       “(8) Ex officio members of the Board may designate  
20 another officer of their respective department or agency to  
21 act in their place in the discharge of their duties as a member  
22 of the Board when required because of other public business.

23       “(c) The Board may adopt such rules as it deems neces-  
24 sary respecting the operations of the Board and the activities  
25 to be carried out by the Board. All meetings of the Board

1 shall be open to the public and the Board shall provide the  
2 maximum practicable opportunities for notice and public com-  
3 ment concerning its activities.

4       “(d)(1) The Board shall have the power to appoint and  
5 remove a President of the Foundation and such other officers  
6 as the Board determines to be necessary.

7       “(2) The President of the Foundation may appoint and  
8 remove such employees of the Foundation, and may engage  
9 such consultants, as the President determines necessary to  
10 carry out the purposes of the Foundation.

11       “(e) No part of any income or assets of the Foundation  
12 shall inure to the benefit of any trustee, officer, employee, or  
13 other individual except as salary or reasonable compensation  
14 for services.

15       “(f) No political test or political qualification shall be  
16 used in selecting, appointing, promoting, or taking any per-  
17 sonnel action with respect to any officer, agent, or employee  
18 of the Foundation or with regard to the selection or conduct  
19 of any program of the Foundation.

20       “(g)(1) Officers and employees of the Foundation shall  
21 be compensated at rates determined by the Board, but not in  
22 excess of the rate of level IV of the executive schedule speci-  
23 fied in section 5316 of title 5 of the United States Code.

24       “(2) Nothing in this Act shall be construed as limiting  
25 the authority of the Office of Management and Budget to

1 review and submit comments upon the Foundation's budget  
2 requests upon their transmittal to the Congress.

3       “(3) Officers and employees of the Foundation shall be  
4 considered officers and employees of the Federal Government  
5 only for purposes of the following provisions of title 5 of the  
6 United States Code: subchapter I of chapter 81 (relating to  
7 compensation for work injuries); chapter 83 (relating to civil  
8 service retirement); chapter 87 (relating to life insurance);  
● and chapter 89 (relating to health insurance). The Founda-  
10 tion shall make contributions at the same rates applicable to  
11 agencies of the Federal Government under the provisions re-  
12 ferred to in this paragraph.

13       “(h) Any department, agency, or other instrumentality  
14 of the United States is hereby authorized to transfer or loan  
15 to the Foundation without charge therefor works of art,  
16 books, records, drawings, artifacts, equipment, or other ob-  
● jects for educational, historical, archival, or exhibition pur-  
17 poses. Any such department, agency, or other instrumentali-  
18 ty of the United States, including the Government Printing  
19 Office, is authorized to furnish property, both real and per-  
20 sonal, and personal and nonpersonal services to the Founda-  
21 tion, and the Foundation is authorized to furnish property  
22 and services to them. The furnishing of property and services  
23 under this section shall be under such terms and conditions,  
24 including reimbursability, as the Foundation and the head of  
25

1 the department, agency, or instrumentality concerned shall  
2 deem appropriate.

3 “(i) The Foundation shall have the power—

4 “(1) to have succession until dissolved by Act of  
5 Congress in which event title to the properties of the  
6 Foundation, both real and personal, shall, insofar as  
7 consistent with existing contractual obligations and  
8 subject to all other legally enforceable claims or de-  
9 mands by or against the Foundation, pass to a  
10 become vested in the United States of America unless  
11 otherwise provided by such Act of Congress;

12 “(2) to sue and be sued in its corporate name;

13 “(3) to adopt, alter, and use a corporate seal,  
14 which shall be judicially noticed;

15 “(4) to adopt and to make such bylaws, rules, and  
16 regulations not inconsistent with the laws of the  
17 United States or of any State, as it deems necessary  
18 for the administration of its functions under this subti-  
19 tle, including among other matters, bylaws, rules, and  
20 regulations governing administration of Foundation  
21 funds, and the organization and procedure of the Board  
22 of Trustees;

23 “(5) to accept, hold, and administer gifts and be-  
24 quests of money, securities, or other personal property  
25 of whatsoever character, absolutely or in trust, for the

1 purposes for which the Foundation is created; unless  
2 otherwise restricted by the terms of the gift or bequest,  
3 the Foundation is authorized to sell, exchange, or oth-  
4 erwise dispose of and to invest or reinvest in such in-  
5 vestments as it may determine from time to time the  
6 moneys, securities, or other property given or be-  
7 queathed to it; the principal of such corporate funds,  
8 together with the income therefrom and all other rev-  
9 enues received by it from any source whatsoever, shall  
10 be placed in such depositories as the Foundation shall  
11 determine and shall be subject to expenditure by the  
12 Foundation for its corporate purposes;

13 “(6) to acquire by gift, devise, purchase, or other-  
14 wise, absolutely or in trust, and to hold and, unless  
15 otherwise restricted by the terms of the gift or devise,  
16 to encumber, convey, or otherwise dispose of, any real  
17 property, or any estate or interest therein, as may be  
18 necessary or proper in carrying into effect the purposes  
19 of the Foundation; the Foundation shall not acquire  
20 any real property solely for the purpose of the preser-  
21 vation of such property;

22 “(7) to contract and make cooperative agreements  
23 with Federal, State, municipal, or special purpose de-  
24 partments, agencies, or districts, corporations, associ-

1        ations, or individuals, under such terms and conditions  
2        as it deems advisable;

3            “(8) to accept grants from Federal, State, and  
4        local governmental agencies and other entities;

5            “(9) to enter into contracts generally and to ex-  
6        ecute all instruments necessary or appropriate to carry  
7        out its corporate purposes, which instruments shall in-  
8        clude such concession contracts, leases, or permits for  
9        the use of lands, buildings, or other property deemed  
10       desirable either to accommodate the public or to facili-  
11       tate administration; and

12           “(10) generally to do any and all lawful acts nec-  
13       essary or appropriate to carry out the purposes for  
14       which the Foundation is created.

15           “(j) There is authorized to be appropriated to the Foun-  
16       dation for use in accordance with this subtitle, amounts  
17       which will in the aggregate equal gifts, bequests, devises of  
18       money, securities, and other property received by the Foun-  
19       dation, but not to exceed \$1,000,000 for any fiscal year. In  
20       addition to such amounts, there is authorized to be appropri-  
21       ated to the Foundation not more than \$250,000 for the fiscal  
22       year 1981 and \$500,000 for each of the fiscal years 1982  
23       through 1986. Amounts authorized to be expended under this  
24       subsection shall remain available until expended for a period



1 of one fiscal year following the fiscal year for which  
2 appropriated.

3 “(k) The budget of the Foundation shall be submitted to  
4 the Congress in conjunction with the submission of the  
5 budget of the Historic Preservation Agency as a related  
6 agency.

7 “(l) The Foundation, and any programs sponsored by it,  
8 shall be eligible to be treated as an organization described in  
9 section 170(c)(2)(B) of the Internal Revenue Code of 1954  
10 and as an organization described in section 501(c)(3) of such  
11 Code that is exempt from taxation under section 501(a) of  
12 such Code. If such treatments are conferred in accordance  
13 with the provisions of such Code, the Foundation, and pro-  
14 grams sponsored by it, shall be subject to all provisions of  
15 such Code relevant to the conduct of organizations exempt  
16 from taxation.

17 “DEFINITION OF BUILDING ARTS

18 “SEC. 334. For purposes of this subtitle, the term  
19 ‘building arts’ includes, but shall not be limited to, all practi-  
20 cal and scholarly aspects of architecture, construction, build-  
21 ing technology and skills, landscape architecture, historic  
22 preservation, building and construction, engineering, urban  
23 and community design and renewal, city and regional plan-  
24 ning and related skills, trades, and crafts.

## 1 "AUDIT AND REPORT

2 "SEC. 335. (a) The General Accounting Office shall  
3 review and audit regularly the accounts of the Foundation for  
4 purposes of determining the continuing ability of the Founda-  
5 tion to pay for the functions of the Center.

6 "(b) On December 31 of each calendar year which com-  
7 mences after the date of the enactment of this subtitle, the  
8 Foundation shall submit to the Committee on Interior and  
9 Insular Affairs of the United States House of Representa-  
10 tives and to the Committee on Energy and Natural Re-  
11 sources of the United States Senate a report containing a  
12 statement of its activities carried out pursuant to this title,  
13 together with a plan of the programs which it proposes to  
14 carry out during the succeeding four years."

## 15 EMERGENCY ACQUISITION

16 SEC. 3. The Act of October 26, 1949 (16 U.S.C. 403  
17 and following), is amended by adding the following new sec-  
18 tion at the end thereof:

19 "SEC. 6. (a) The Administrator of the Historic Preser-  
20 vation Agency shall establish and maintain a program, in co-  
21 operation with the National Trust for the emergency acquisi-  
22 tion of real and personal property, or any interests therein,  
23 eligible for or included in the National Register established  
24 under the National Historic Preservation Act and threatened  
25 with immediate demolition or impairment. When the Admin-

1    istrator determines that such acquisition is in the public inter-  
2    est and will further national preservation policy as provided  
3    in the National Historic Preservation Act, the Attorney Gen-  
4    eral shall, if necessary, institute condemnation proceedings  
5    on behalf of the National Trust, in which title will vest. Upon  
6    acquisition of a property interest pursuant to this subsection,  
7    the National Trust shall attempt to convey such interest to  
8    any governmental or nongovernmental entity under such con-  
9    ditions as will ensure the property's continued preservation  
10   and use, except that if, after a reasonable time, the National  
11   Trust, with the approval of the Administrator, determines  
12   that there is no feasible and prudent means to transfer such  
13   property and to ensure its continued preservation and use for  
14   the public benefit, then the National Trust for Historic Pres-  
15   ervation may convey the property at the fair market value of  
16   its interest in such property to any entity without restriction.

17       “(b) In the case of any property acquired by the  
18   National Trust under subsection (a), it shall be a condition of  
19   such acquisition that any proceeds from the conveyance by  
20   the National Trust of any interest in such property, less the  
21   actual costs incurred by the Trust in the acquisition, develop-  
22   ment, and sale of such interest shall be transferred by the  
23   Trust to the Secretary of the Treasury and deposited in the  
24   United States Treasury. Such amounts so deposited shall be  
25   placed in a separate account established on the books and

1 records of the Treasury and shall be available, notwithstand-  
 2 ing any other provision of law and without fiscal year limita-  
 3 tion, for payment of obligations of the United States incurred  
 4 under subsection (a). Any excess of such proceeds over the  
 5 amount made available from grants under section 111(1)(B)  
 6 may be retained by the Trust.”.

#### 7 REPORT ON PRESERVATION OF INTANGIBLE ELEMENTS

8 SEC. 4. The Administrator of the Historic Preservation  
 9 Agency, in consultation with the American Folklife Center  
 10 the Library of Congress and the Building Arts Foundation,  
 11 shall, within two years after the date of the enactment of this  
 12 Act, submit a report to the President and the Congress on  
 13 preserving and conserving the intangible elements of our cul-  
 14 tural heritage by inclusion of arts, skills, folklife and folk-  
 15 ways, and collections in the National Register established  
 16 under the National Historic Preservation Act of 1966. This  
 17 report shall include recommendations for legislative and ad-  
 18 ministrative action by the Federal Government to encourage  
 19 the continuation of the diverse traditional historic, ethnic, and  
 20 cultural activities that underlie our American heritage.

#### 21 FUNDING REPORT

22 SEC. 5. The Administrator for the Historic Preservation  
 23 Agency shall submit a report directly to the President and  
 24 the Congress within eight years after the date of the enact-  
 25 ment of this Act, reviewing the operation of the Historic

1 Preservation Fund and the national historic preservation pro-  
2 gram since the enactment of this Act and recommending ap-  
3 propriate funding levels, the time period for the reauthoriza-  
4 tion for appropriations from the fund, and other appropriate  
5 legislative action to be undertaken upon the expiration of the  
6 current fund authorization on September 30, 1989.

7 PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

8 SEC. 6. (a) The Administrator for Historic Preservation  
9 shall investigate the plans and performance of the Pennsylva-  
10 nia Avenue Development Corporation as they relate to his-  
11 toric preservation and, within ninety days from the date on  
12 which the Administrator is initially appointed, submit a  
13 report to the Congress containing the results of such study  
14 together with the Administrator's recommendations for the  
15 inclusion in such plans of a comprehensive historic preserva-  
16 tion element.

17 (b) The areas which are subject to the Pennsylvania De-  
18 velopment Corporation Act shall be deemed to be a historic  
19 district for purposes of the amendments made by this Act and  
20 for the purposes of any law of the District of Columbia and  
21 for purposes of any other Federal, State, or local law. Not-  
22 withstanding the development plan of the Corporation, the  
23 Corporation shall take such steps as may be necessary to  
24 protect historic resources in the areas subject to such Penn-  
25 sylvania Development Corporation Act.

1 (c) The Pennsylvania Development Corporation Act is  
2 amended—

3 (1) in section 7(a) by striking out the semicolon  
4 and all that follows down to the period at the end  
5 thereof, and

6 (2) in section 9(b) by inserting “demolishing,”  
7 after “altering,” in each place it appears, by inserting  
8 “demolition” after “alteration” and by inserting before  
9 the period at the end thereof: “and historic preser-  
10 tion laws, regulations, and ordinances”.

11 REPORT ON TAX LAWS

12 SEC. 7. The Administrator for the Historic Preservation  
13 Agency, in cooperation with the Secretary of the Treasury,  
14 shall submit a report to the President and the Congress on  
15 Federal tax laws relating to historic preservation or affecting  
16 in any manner historic preservation. Such report shall include  
17 recommendations respecting amendments to such laws which  
18 would further the purposes of this Act. Such report shall be  
19 submitted within one year after the date on which the Ad-  
20 ministrator is initially appointed.

21 CULTURAL PARKS REPORT

22 SEC. 8. The Secretary of the Interior, in cooperation  
23 with the Administrator, shall undertake a comprehensive  
24 study and formulate recommendations for the creation of a  
25 National System of Cultural Parks to provide for the preser-

1 vation, interpretation, development, and use by public and  
2 private entities of the historic, architectural, archeological  
3 and cultural resources, as well as the natural resources,  
4 found in definable urban and settled areas throughout the  
5 Nation. The Secretary shall submit such legislative recom-  
6 mendations as may be necessary to establish such system  
7 simultaneously to the President and the Congress within two  
8 years after the enactment of this Act.

